



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, DC 20231  
www.uspto.gov

**MAIL** Paper No. 11

Sofer & Haroun LLP  
342 Madison Avenue Suite 1921  
New York NY 10173

**APR 30 2003**

**DIRECTOR OFFICE  
TECHNOLOGY CENTER 2600**

In re Application of: :  
Terumi Takashi et al. :  
Application No. 09/638,607 :  
Filed: August 15, 2000 :  
For: **DATA REPRODUCTION APPARATUS** :

**ON PETITION**

This is a decision on the petition filed January 27, 2003 to withdraw the holding of abandonment under 37 CFR § 1.181. No fee is required.

The Notice of Abandonment was mailed December 4, 2002 for failure to response in a timely manner to an Office action mailed April 11, 2002.

Petitioner alleges that no Office action was received.

Based on M.P.E.P. § 711.03(c) [See also Notice entitled *Withdrawing the Holding of Abandonment When Office Actions Are Not received*, 1156 O.G. 53 (November 16, 1993)], in absence of any irregularity in the mailing of an Office action, there is a strong presumption that the Office action was properly mailed to practitioner at the address of record. This presumption may be overcome by a showing that the Office action was not in fact received. The showing required to establish the failure to receive an Office communication must include:

(a) a statement from the practitioner stating that the Office communication was not received by the practitioner;

(b) a statement attesting to the fact that a search of the file jacket and docket records indicates that the Office communication was not received; and

(c) a copy of the docket record where the non-received Office communication would have been entered had it been received and docketed must be attached to and referenced in practitioner's statement.

The showing outlined above may not be sufficient if there are circumstances that point to a conclusion that the Office communication may have been lost after receipt rather than a conclusion that the Office communication was lost in the mail.

Petitioner fails to meet requirement (c) above. The petition does not include a copy of the docket record where the non-received Office communication would have been entered had it been received.

For the above stated reasons, the petition is **DENIED**.

Any request for reconsideration must be submitted within **TWO (2) MONTHS** from the mailing date of this decision. No further petition fee is required for the request. Extensions of time under 37 C.F.R. § 1.136(a) are **NOT** permitted.

  
James L. Dwyer, Director  
Technology Center 2600  
Communications